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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

FLOYD M. REID, )  
                        )  
Plaintiff,           ) Civil No. 07-1641-AC  
                        )  
v.                    )         O R D E R  
                        )  
EVERGREEN AVIATION GROUND )  
LOGISTICS ENTERPRISE INC., a Delaware )  
corporation; ET AL.,      )  
                        )  
Defendants.          )

Matthew B. Duckworth  
Richard C. Busse  
R. Kyle Busse  
BUSSE & HUNT  
621 S.W. Morrison, Suite 521  
Portland, OR 97205

Attorneys for Plaintiff

Jennifer Lyn Bouman  
BULLARD SMITH JERNSTEDT WILSON  
1000 S.W. Broadway, Suite 2900  
Portland, OR 97205

Douglas W. Hall  
FORD & HARRISON LLP  
1300 19th Street N.W., Suite 700  
Washington, D.C. 20036

Attorneys for Defendants

JONES, Judge:

Magistrate Judge John V. Acosta filed Findings and Recommendation (#37) on November 21, 2008, in the above entitled case. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

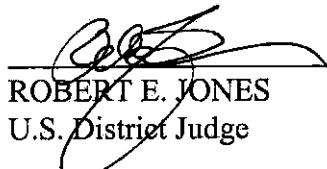
Plaintiff has timely filed objections. I have, therefore, given de novo review of Magistrate Judge Acosta's rulings.

I find no error. Accordingly, I ADOPT Magistrate Judge Acosta's Findings and Recommendation (#37) dated November 21, 2008, in its entirety. Defendants' motion (#20) for summary judgment is granted as to plaintiff's claim of race discrimination and common law discharge. Defendants' motion for summary judgment as to plaintiff's claims of wrongful termination under OR. REV. STAT. § 654.062 misrepresentation is denied. Defendant's motion for summary judgment on plaintiff's claims of aiding and abetting and wrongful termination

under OR. REV. STAT. § 654.062 as to Smith individually is granted. Defendant's motion to exclude reinstatement and compensatory damages for lost wages is granted.

IT IS SO ORDERED.

DATED this 20 day of January, 2009.



ROBERT E. JONES  
U.S. District Judge